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IN THE

Supreme Court of the United States

OCTOBER TERM, 1945

No. 59

THE UNITED STATES OF AMERICA, *Appellant*

vs.

HENRY ROMPEL, JR., ADMINISTRATOR DE BONIS NON CUM TESTAMENTO ANNEX OF ERNST HERBST, DECEASED, *Appellee*

Appeal from the District Court of the United States for The Western District of Texas

MOTION OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS FOR LEAVE TO ARGUE CASE AS AMICUS CURIAE

GROVER SELLERS
Attorney General of the State of Texas
Austin, Texas

E. Duncan & Co., Brief Printers, Dallas

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To the Honorable Supreme Court of The United States:

The Attorney General of the State of Texas, as amicus curiae, respectfully represents to the Court:

1.

The above styled and numbered cause is an appeal taken by the United States of America from the judgment of the District Court of the United States for the Western District of Texas in a test suit filed to determine whether section 402(b) of the Revenue Act of 1942 is constitutional, in its application to the community property accumulated under the laws of the State of Texas by a Texas decedent and his surviving spouse. A similar test case (No. 58), involving the community property laws of the State of Louisiana, is pending in this Honorable Court.

2.

A brief of the Attorneys General of various states having community property laws will be filed by such Attorneys General as amici curiae in each of these causes prior to the submission date, as authorized under the rules and procedure of this court. The Attorney General of the State of Texas desires to and will sign and join in said brief in his official capacity.

3.

The question to be determined herein deals with the incidence of the Federal Estate Tax upon property rights of spouses in Texas acquired and held at the time of decedent's death under the marital laws and the community property system of the State of Texas and affects the public welfare in that state.

4.

The Attorney General of the State of Texas desires that oral argument be presented, in behalf of the State, and in support of the aforesaid brief of the Attorneys General.

WHEREFORE, the undersigned, Grover Sellers, attorney General of the State of Texas, files this motion requesting that this Honorable Court grant leave for the presentation of oral argument in behalf of the State of Texas upon submission of this cause and allot additional time for such argument, to be made by him in his official capacity or by such attorney or attorneys (members of the Bar of this Court) as he may designate to appear in such behalf on the submission of this cause.

Respectfully submitted,

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GROVER SELLERS
Attorney General of the State
of Texas
Austin, Texas

October, 1945